

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

ALYSON BOTTONI, et al.,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	Civil Action No. 3:20-CV-1442-X
v.	§	
	§	Consolidated with:
CARLOS M. HERNANDEZ, et al.,	§	Civil Action No. 3:20-CV-1558-X
	§	Civil Action No. 3:21-CV-0353-X
<i>Defendants.</i>	§	

**MEMORANDUM OPINION AND ORDER  
AWARDING ATTORNEYS' FEES AND COSTS**

The Court's final judgment in this matter notes that before the Court could enter a judgment on an award of attorneys' fees and expenses that the Plaintiffs must submit time records. The Court has reviewed those time records Plaintiffs' counsel submitted and will analyze first the lodestar and then the *Johnson* factors.

*Lodestar.* Plaintiffs' counsel provided the following information concerning hours spent, lodestar, and expenses:

<b>Total Hours and Lodestar for Plaintiff's Counsel</b>			
<i>Firm</i>	<i>Hours</i>	<i>Lodestar</i>	<i>Expenses</i>
Robbins LLP	1,104.50	\$533,040.00	\$11,303.07
Scott+Scott Attorneys at Law LLP	1,205.80	\$1,002,032.00	\$12,976.49
Law Firm of Balon B. Bradley	40.0	\$20,000.00	\$0
Kilgore & Kilgore, PLLC	6.45	\$4,192.50	\$0
Gainey McKenna & Egleston	272.97	\$227,073.25	\$5,885.96

Hynes & Hernandez, LLC	202.9	\$157,745.00	\$3,305.30
Bragar Eigel & Squire, P.C.	76.5	\$47,812.50	\$0
The Rosen Law Firm, P.A.	38.3	\$35,005.00	\$1,560.10
The Brown Law Firm, P.C.	593.2	\$424,672.50	\$7,551.28
Johnson Fistel, LLP	332.8	\$191,716.50	\$5,084.74
The Weiser Law Firm, P.C.	148.25	\$122,625.00	\$3,549.72
Zamansky LLC	330.97	\$320,883.35	\$3,554.38
Schubert Jonckheer & Kolbe LLP	318.20	\$198,297.50	\$8,500.32
<b>TOTAL</b>	<b>4,670.84</b>	<b>\$3,285,095.10</b>	<b>\$63,271.36</b>

In this case, Plaintiffs' counsel asks for a .71 multiplier for their lodestar minus expenses. In this end, this means counsel is seeking \$63,271.36 and \$2,336,728.64 for a total of \$2,400,000.00. The Court finds that this is reasonable and will shift to assessing the *Johnson* factors.

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Because Plaintiffs' counsel is asking for a *downward* variance from the lodestar, the Court uses the *Johnson* factors as a means of making sure the Court should not vary downward further. The *Johnson* factors are: (1) the time and labor required; (2) the novelty and difficulty of the questions; (3) the skill requisite to perform the legal service properly; (4) the preclusion of other employment by the attorney due to acceptance of the case; (5) the customary fee; (6) whether the fee is fixed or contingent; (7) time limitations imposed by the client or the circumstances; (8) the amount involved and the results obtained; (9) the experience, reputation, and

ability of the attorneys; (10) the “undesirability” of the case; (11) the nature and length of the professional relationship with the client; and (12) awards in similar cases.<sup>1</sup> In this case, the focus is on (1), (2), (3), (4), (6), (10), and (12).

*Time and Labor Required.* As noted above in the lodestar analysis, much time and effort was required to reach this result. This factor weighs in favor of reasonableness.

*Novelty and Difficulty.* This is a shareholder derivative suit. These suits are notoriously complicated and difficult. More need not be said on this point; this factor weighs in favor of reasonableness. It is for these reasons the “undesirability” factor also weighs in favor of reasonableness.

*Skill Required.* Given the notoriously complex nature of these lawsuits, naturally highly skilled counsel is required to handle litigation properly. As a result, this factor weighs in favor of reasonableness.

*Preclusion of Other Employment.* Expending thousands of hours on litigation certainly precludes one from participating in other cases. As that was the case here, this factor weighs in favor of reasonableness.

*Fixed or Contingent Fee.* Here, counsel undertook this case on a contingent fee basis—a huge risk. Because of the risk involved, this factor supports a finding of reasonableness.

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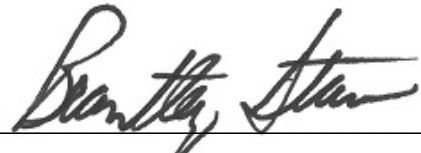
<sup>1</sup> *Johnson v. Georgia Highway Exp., Inc.*, 488 F.2d 714, 717–19 (5th Cir. 1974), *abrogated by* *Blanchard v. Bergeron*, 489 U.S. 87 (1989).

*Awards in Similar Cases.* Plaintiffs inform the Court that awards of a similar amount have been approved in six other corporate governance cases from coast to coast. Accordingly, this factor weighs in favor of reasonableness.

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Therefore, the Court hereby **APPROVES** the Fee and Expense Amount and directs payment to Plaintiffs' Counsel of the Fee and Expense Amount in accordance with the terms of the Stipulation.

**IT IS SO ORDERED** this 24th day of July, 2025.

  
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BRANTLEY STARR  
UNITED STATES DISTRICT JUDGE